

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

IN RE: :
CYRAN, CURTIS P. : Case No. 10-37587
CYRAN, REBECCA L. : Chapter 7
 : Judge Lawrence S. Walter
 :
Debtors.

**NOTICE OF TRUSTEE'S PROPOSED SALE/DISPOSITION OF TANGIBLE
PERSONAL PROPERTY TO DEBTORS AND OPPORTUNITY TO OBJECT**

As set forth below, the Trustee proposes to sell and or dispose to the Debtors certain tangible personal property.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the Trustee's proposed action, or if you want the Court to consider your views on the Trustee's proposed action, then on or before Twenty One (21) days from the Date of Issuance set forth below, you or your attorney must file a written response in accordance with the Court's local rules and filing procedures.

The Clerk of Court's address is: U.S. Bankruptcy Court Clerks Office, 120 W. Third Street, Dayton, OH 45402.

Copies of the Court's Administrative Procedures for electronic court filings can be found at the following website: <http://www.ohsb.uscourts.gov>

You must file the response early enough so the Court will **receive** it on or before the date stated above.

You must also either electronically serve John Paul Rieser through the court's ECF System or mail a copy to John Paul Rieser at the following address: John Paul Rieser
7925 Graceland Street
Dayton, OH 45459-3834

If you or your attorney do not take these steps, the Trustee will take the proposed action without further notice and report the details thereof on the Final Report in this case.

October 6, 2011

/s/ John Paul Rieser

Date of Issuance

John Paul Rieser, Esq.

NOTICE OF PROPOSED SALE /DISPOSITION

Now comes John Paul Rieser, the duly appointed and acting Chapter 7 Trustee in the above captioned case and hereby gives notice pursuant to 11 U.S.C. §§ 363, 554, and 725 that a disposition of tangible personal property will be made to the Debtors in exchange for non-exempt equity, as determined by the Trustee and agreed to by the Debtors.

The properties at issue are a 1997 BMW 318 (“Vehicle 1”), a 1995 GMC Vandura G2500 (“Vehicle 2”), and Miscellaneous Jewelry (“Jewelry”) scheduled by the Debtors. The Debtors scheduled the value of the Vehicle 1 as \$700.00. The Trustee determined the value of Vehicle 1 to be \$1,037.50 based on the average of the Kelley Blue Book fair trade in value (\$1,200.00) and the NADA rough trade in value (\$875.00). From this value, the Trustee deducted (1) the average cost of sale amount of \$337.50¹. The non-exempt equity owed to creditors for the Vehicle is \$700.00 and the Debtors have paid this amount to the Trustee.

The Debtors scheduled the value of the Vehicle 2 as \$700.00. The Trustee determined the value of Vehicle 2 to be \$1,237.00 based on the NADA rough trade in value (\$1,237.00). From this value, the Trustee deducted (1) the average cost of sale amount of \$537.00. The non-exempt equity owed to creditors for the Vehicle is \$700.00 and the Debtors have paid this amount to the Trustee.

The Trustee determined the value of the Jewelry to be \$4,500.00 based on the appraisal. From this value, the Trustee deducted the Debtors’ jewelry exemptions in the amount of \$2,900.00. The non-exempt equity owed to creditors for the Jewelry is \$1,600.00 and the Debtors have paid this amount to the Trustee. The Trustee believes that disposing of the Vehicles and Jewelry by permitting the Debtors to “buy out” the non-exempt equity herein will produce a net certain recovery

¹ This condition adjustment is based on Trustee’s experience in selling vehicles at auctions in the current market environment.

to creditors equal to or greater than that which would be obtained from selling the Vehicles and Jewelry at auction or by alternative disposition methods, which have greater transaction costs, take longer, and have no certainty as to result.

WHEREFORE, the Trustee now notices creditors and all parties of interest that unless an objection to this Notice is timely filed and served, the Trustee will finalize this proposed disposition as permitted by the Bankruptcy Code, Rules and Local Bankruptcy Rules.

Respectfully yours,

/s/ John Paul Rieser

John Paul Rieser, Trustee

Rieser & Associates LLC

7925 Graceland Street

Dayton, OH 45459-3834

Phone: (937) 224-4128, Fax: (937) 224-3090

E-mail: tecfdesk@rieserlaw.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **NOTICE OF TRUSTEE'S PROPOSED SALE/DISPOSITION OF TANGIBLE PERSONAL PROPERTY TO DEBTORS AND OPPORTUNITY TO OBJECT** was served this 6th day of October, 2011, on the parties in interest listed on the attached matrix. All parties listed on the attached matrix were served by regular U.S. mail, postage prepaid, with the following exceptions:

- (1) The Trustee is not serving the United States Bankruptcy Court by regular mail because the United States Bankruptcy Court will receive electronic notice of this filing.
- (2) A creditor who is listed by name only, with no mailing address, is not being served with this document. The Trustee is not serving a copy to creditors who have no mailing address listed on the matrix because it is obvious that the Post Office cannot and will not deliver mail without an address, and it would be a waste of estate resources to attempt such delivery. The Trustee will provide a copy of this document or pleading to such creditors upon request from the creditors not receiving service.
- (3) The following parties are not being served by regular mail because they will receive notice of this filing by the court's electronic ECF system:

Asst US Trustee (Day) USTPRegion09.CB.ECF@usdoj.gov

Jeremy Shane Flannery Jeremy.S.Flannery@usdoj.gov

Cynthia A Jeffrey ecfsdoh@reimerlaw.com, RACJ.ecfsdoh@yahoo.com

David E Larson larsond@altickcorwin.com, syxj@altickcorwin.com

/s/ John Paul Rieser

John Paul Rieser [lrs/801]

Label Matrix for local noticing
0648-3
Case 3:10-bk-37587
Southern District of Ohio
Dayton
Thu Oct 6 09:58:05 EDT 2011

American Recovery Systems Inc
1699 Wall Street, Suite 300
Mount Prospect IL 60056-5778

Bonded Collection Corp
P O Box 1022
Wixom MI 48393-1022

Chase Auto Finance
P O Box 9001801
Louisville KY 40290-1801

(p)DISCOVER FINANCIAL SERVICES LLC
PO BOX 3025
NEW ALBANY OH 43054-3025

Encore Receivable Management
P O Box 3330
Olathe KS 66063-3330

(p)FIFTH THIRD BANK
MD# ROPS05 BANKRUPTCY DEPT
1850 EAST PARIS SE
GRAND RAPIDS MI 49546-6253

KEYBANK, N.A.
C/O WELTMAN, WEINBERG & REIS, CO., LPA
323 W. LAKESIDE AVE., 2ND FL.
CLEVELAND, OH 44113-1085

Nationwide Credit Inc.
P O Box 740640
Atlanta GA 30374-0640

U. S. Attorney General
Main Justice Bldg RM 5111
10th & Constitution Ave. NW
Washington DC 20530-0001

United States Bankruptcy Court
120 West Third Street
Dayton, OH 45402-1872

Asst US Trustee (Day)
Office of the US Trustee
170 North High Street
Suite 200
Columbus, OH 43215-2417

Card Member Service
SBN Network
P O Box 15153
Wilmington DE 19886-5153

CitiCards
P O Box 6500
Sioux Falls SD 57117-6500

Discover Bank
Discover Products Inc
PO Box 3025
New Albany OH 430543025

FMA Alliance, LTR
11811 North Freeway #900
Houston TX 77060-3292

(p)INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 7346
PHILADELPHIA PA 19101-7346

Key Bank
P O Box 94920
Cleveland OH 44101-4920

Ohio Dept. of Taxation
ATTN: Bankruptcy Division
P O Box 530
Columbus OH 43266-0030

United Recovery Systems LP
P O Box 722929
Houston TX 77272-2929

(p)ADVANTA
700 DRESHER RD
HORSHAM PA 19044-2206

Bank of America
P O Box 15102
Wilmington DE 19886-5102

CardMember Service
P O Box 15548
Wilmington DE 19886-5548

Credit One
P O Box 605
Metairie LA 70004-0605

(p)US BANK
PO BOX 5229
CINCINNATI OH 45201-5229

Fifth Third Bank
P.O. Box 829009
Dallas, TX 75382-9009

Internal Revenue Service
PO Box 7346
Philadelphia, PA 19101-7346

Midland Credit Management Inc
P O Box 60578
Los Angeles CA 90060-0578

U. S. Attorney
602 Federal Bldg.
200 West Second St.
Dayton OH 45402-1443

Wells Fargo Home Mortgage
P O Box 6423
Carol Stream IL 60197-6423

Curtis P Cyran
7362 Jaguar Court
Waynesville,, OH 45068-8210

David E Larson
One South Main Street Suite 1590
Dayton, OH 45402-2035

John Paul Rieser
7925 Graceland Street
Dayton, OH 45459-3834

Rebecca L Cyran
7362 Jaguar Court
Waynesville,, OH 45068-8210

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Advanta Bank Corp
P O Box 30715
Salt Lake City UT 84130-0715

Discover
P O Box 15251
Wilmington DE 19886-5251

(d)Discover
P O Box 15316
Wilmington DE 19850

Elan Financial Services
P O Box 790084
Saint Louis MO 63179

(d)Elan Financial Services
PO Box 5229
Cincinnati, OH 45201

Fifth Third Bank
Western Ohio
P O Box 630778
Cincinnati OH 45263-0778

Internal Revenue Service
P O Box 21126
Philadelphia PA 19114-0326

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)JPMorgan Chase Bank, NA

End of Label Matrix
Mailable recipients 33
Bypassed recipients 1
Total 34